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Attorneys for Defendant  
 TRAVELERS CASUALTY AND SURETY COMPANY,  
 formerly known as THE AETNA CASUALTY AND SURETY COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JOHN WARD and PIERCE WARD

*Plaintiffs,*

vs.

AMERICAN ZURICH INSURANCE  
 COMPANY, *et al.*,

*Defendants.*

Case No.: 13-cv-03140-SI

*Hon. Susan Illston*

**DEFENDANT TRAVELERS CASUALTY  
 AND SURETY COMPANY'S APPLICATION  
 FOR EXCUSE FROM PERSONAL  
 ATTENDANCE**

*Assigned to Magistrate Judge Joseph C. Spero  
 For Settlement Purposes*

Date: April 6, 2015

Time: 9:30 am

Dept: Courtroom G, 15<sup>th</sup> Floor

Pursuant to the Notice of Settlement Conference and Settlement Conference Order dated March 19, 2015, Defendant Travelers Casualty and Surety Company ("Travelers") respectfully requests the Court allow James Vitelli, the Travelers "person in charge" to appear by phone standby at the upcoming settlement conference. Counsel who will appear will have full settlement authority.

Mr. Vitelli is Managing Counsel in Travelers SLG Environmental Litigation Group. He works in Hartford, Connecticut, and lives on the East Coast. He is unable to travel in advance of the April

1 6<sup>th</sup> settlement conference. He can and will be available by phone standby during the course of the  
2 conference. It would be a substantial hardship for him to travel to California at that time. Given the  
3 short notice of the settlement conference, and the distance to be traveled and his unavailability, we  
4 respectfully request this excuse from personal travel.

5 We greatly appreciate the Court's consideration of this application. Respectfully submitted:  
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8 DATED: March 23, 2015

BECHERER KANNETT & SCHWEITZER

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10  
11 By: 

Mark Kannett

Attorneys for Defendant

TRAVELERS CASUALTY AND SURETY  
COMPANY, formerly known as THE AETNA  
CASUALTY AND SURETY COMPANY

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16 It is hereby ordered that this Application is DENIED.

17 Dated: 3/25/15. /s/ Joseph C. Spero  
18 Chief Magistrate Judge  
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**PROOF OF SERVICE**

I, Kristina Kalkhorst, declare that I am employed in the County of Alameda, State of California; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 1255 Powell Street, Emeryville, California 94608.

On **March 23, 2015**, I caused to be served the foregoing:

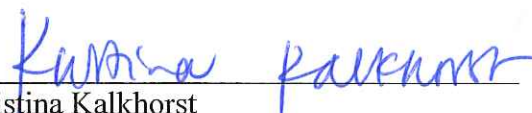
**DEFENDANT TRAVELERS CASUALTY AND SURETY COMPANY'S APPLICATION  
FOR EXCUSE FROM PERSONAL ATTENDANCE**

In said action by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below to each of the parties herein and addressed as follows:

**SEE ATTACHED SERVICE LIST**

☒ (By Mail) I deposited such envelope with postage thereon fully prepaid to be placed in the United States Mail at Emeryville, California. I am familiar with the mail collection practices of Becherer Kannett & Schweitzer Attorneys and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed **March 23, 2015**, at Emeryville, California.

  
\_\_\_\_\_  
Kristina Kalkhorst

Becherer  
Kannett &  
Schweitzer

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## SERVICE LIST

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